

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

FRACTUS, S.A.,

Plaintiff,

v.

AT&T MOBILITY LLC

Defendant.

LEAD CASE

Civil Action No. 2:18-cv-0135-JRG

FRACTUS, S.A.,

Plaintiff,

v.

VERIZON COMMUNICATIONS INC.  
and CELCO PARTNERSHIP D/B/A  
VERIZON WIRELESS,

Defendants.

CONSOLIDATED CASE

Civil Action No. 2:18-cv-0138-JRG

JURY TRIAL DEMANDED

**STIPULATION OF DISMISSAL WITHOUT PREJUDICE  
AS TO VERIZON COMMUNICATIONS INC.**

Pursuant to Federal Rule of Civil Procedure 41(a)(1), Plaintiff Fractus, S.A. (“Fractus”) and Defendants Verizon Communications Inc. (“VCI”) and Cellco Partnership d/b/a Verizon Wireless (“Verizon Wireless”) submit the following Stipulation of Dismissal Without Prejudice as to Defendant VCI and in support thereof state:

1. On April 9, 2018, Fractus filed suit against VCI and Verizon Wireless for alleged infringement of U.S. Patent No. 6,937,191; U.S. Patent No. 7,250,918; U.S. Patent No.

7,557,768; U.S. Patent No. 7,932,870; U.S. Patent No. 8,228,256; U.S. Patent No. 8,896,493; U.S. Patent No. 9,905,940; U.S. Patent No. 8,497,814; U.S. Patent No. 8,754,824; and U.S. Patent No. 9,450,305.

2. VCI has represented and warrants that: it is a holding company that has no relevant officers, employees, sales representatives, or distributors; it has no role in making, using, offering, selling, importing, or otherwise providing any of the accused products, systems, or services; it does not instruct, direct, or control the activities or decisions of its subsidiaries (or any other entity) with respect to the operations, design, manufacture, sale, or importation of any of the accused products, systems, or services.

3. Verizon Wireless agrees that it will not refuse to provide discovery in the above-captioned case on the grounds that VCI is in possession, custody, or control of such discovery.

4. Verizon Wireless agrees that it will not object to any request for deposition in the above-captioned case on the grounds that the prospective deponent is an employee or officer of VCI (though nothing in this stipulation prevents Verizon Wireless from objecting to a deposition on other grounds).

5. Verizon Wireless or any assignee of Verizon Wireless is able to satisfy any judgment against it in the above-captioned case. VCI and Verizon Wireless each warrant and represent that they will not take any action that will cause Verizon Wireless to be unable to fully satisfy any judgment entered in the above-captioned case.

6. The parties further agree that this Stipulation of Dismissal or any portion thereof shall not be argued to be evidence of infringement or non-infringement, validity or invalidity, and shall not be presented to or mentioned in front of the jury at any trial of the above-captioned case as such evidence or for any other purpose.

7. In reliance upon the representations and warranties made above, Fractus agrees to dismiss VCI without prejudice as allowed under Rule 41(a)(1) of the Federal Rules of Civil Procedure.

8. Fractus has not released, and nothing in this Stipulation should be construed as a release or discharge of, any claim Fractus has or may have in the future against any defendant named in this action or any other asserted infringer of the patents-in-suit. All other rights have been expressly reserved.

9. Neither VCI nor any other subsidiary, holding company, or other entity under its control will file a declaratory judgment action on the asserted patents based on allegations of infringement against Verizon Wireless's antennas against Fractus, except that Verizon Wireless (or any other entity sued by Fractus) may file a declaratory action for such relief.

Accordingly, Fractus, VCI, and Verizon Wireless, by and through undersigned counsel, hereby file this stipulation of dismissal without prejudice as to VCI, which stipulation is self-executing and therefore serves to dismiss VCI from this action, without prejudice and without costs.

Dated: June 15, 2018

/s/ Michael Ng

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Respectfully submitted,

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*FRACTUS, S.A.*

**CERTIFICATE OF SERVICE**

I hereby certify that on June 15, 2018, I caused the forgoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

/s/ Michael Ng  
Michael Ng